

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

STEVEN L. KLINGER, JR. and
SHEILA J. KLINGER,

No. C10-5546RJB

v. Plaintiffs,

ORDER DENYING PLAINTIFFS'
MOTION FOR LEAVE TO AMEND

WELLS FARGO BANK, NA,

Defendant.

This matter comes before the Court on Plaintiffs' motion for leave to file an amended complaint (Dkt. 28). No response from Defendant Wells Fargo Bank, NA ("Wells Fargo") is necessary. The Court has considered the motion and the remaining record herein.

On August 16, 2010, Plaintiffs filed a complaint against Defendants Northwest Trustees Service, Inc. (“NWTS”) and Wells Fargo. Dkt. 5. On October 12, 2010, Defendant Wells Fargo filed a motion for summary judgment, noting the motion for consideration on November 5, 2010 and seeking dismissal of all claims alleged against it by Plaintiffs. Dkt. 23. On October 20, 2010, the Court issued an order granting a motion for summary judgment brought by NWTS and dismissing all claims against NWTS brought by Plaintiffs. Dkt. 27. As a result, Wells Fargo is the sole remaining Defendant in this case, with its own pending motion for summary judgment.

ORDER DENYING PLAINTIFFS' MOTION FOR LEAVE TO AMEND - 1

1 On October 27, 2010, Plaintiffs filed a motion seeking leave of the Court to amend their
2 complaint as follows:

3 4. Plaintiff [sic] seeks to amend their Original Complaint to include the
4 following:
5 a. More definite Statements in Relation to Plaintiff's [sic] Causes of
6 Action
7 b. Exhibits

8 Dkt. 28. Plaintiffs request forty-five days to amend their complaint. *Id.* Plaintiffs do not include
9 a proposed amended complaint or any proposed exhibits. *Id.*

10 Because Wells Fargo is the only remaining Defendant, any information that Plaintiffs
11 seek to include in their amended complaint (which is not specified in their motion) is most
12 appropriate for inclusion in a response to the pending motion for summary judgment brought by
13 Wells Fargo. Plaintiffs are reminded that, as per Local Rule CR 7(d), this response is due no
14 later than November 1, 2010. Accordingly, Plaintiffs' motion for leave to amend should be
15 denied.

16 Therefore, it is hereby **ORDERED** that Plaintiffs' motion for leave to amend (Dkt. 28) is
17 **DENIED**.

18 The Clerk is directed to send uncertified copies of this Order to all counsel of record and
19 to any party appearing *pro se* at said party's last known address.

20 DATED this 28th day of October, 2010.

21
22 
23
24 ROBERT J. BRYAN
25 United States District Judge
26